

# **EXHIBIT B**

## **(Part 2 of 3)**



1 documents sufficient to reasonably describe the development of Blockbuster Online  
2 and will produce such documents so located that have not already been produced in  
3 this case.

4 **REQUEST FOR PRODUCTION NO. 32:**

5 DOCUMENTS sufficient to describe fully the corporate organization  
6 of BLOCKBUSTER and each of its divisions, subdivisions, units, subsidiaries or  
7 affiliates, including but not limited to organizational charts, personnel directories,  
8 telephone directories, and electronic mail user and address lists.

9 **RESPONSE TO REQUEST FOR PRODUCTION NO. 32:**

10 Each of Blockbuster's General Objections is incorporated here by  
11 reference. Blockbuster specifically objects to this request to the extent it seeks  
12 documents that are protected by the attorney-client privilege, the attorney work-  
13 product doctrine, or any other applicable privilege or immunity and to the extent  
14 that it seeks documents that are confidential or proprietary. Blockbuster further  
15 specifically objects to this request on the grounds that it is vague, ambiguous,  
16 overbroad, unduly burdensome, oppressive, harassing, is not relevant to nor  
17 calculated to lead to the discovery of admissible evidence in this case, and is  
18 beyond the scope of discovery permitted by the Federal Rules of Civil Procedure.  
19 The bases for these objections include, without limitation, this request's use of the  
20 term "BLOCKBUSTERONLINE."

21 Subject to and without waiving the foregoing objections, Blockbuster  
22 will conduct a reasonable and diligent search for non-privileged, non-work-product  
23 documents sufficient to reasonably describe the corporate organization of  
24 Blockbuster Inc. since 2004 and will produce such documents so located that have  
25 not already been produced in this case.

26 **REQUEST FOR PRODUCTION NO. 33:**

27 DOCUMENTS sufficient to identify each and every BLOCKBUSTER  
28 officer, manager, director, agent, and employee who had responsibility for, or who



1 was assigned to implement, the design, research, development, testing, and  
2 operation of BLOCKBUSTERONLINE.

3 **RESPONSE TO REQUEST FOR PRODUCTION NO. 33:**

4 Each of Blockbuster's General Objections is incorporated here by  
5 reference. Blockbuster specifically objects to this request to the extent it seeks  
6 documents that are protected by the attorney-client privilege, the attorney work-  
7 product doctrine, or any other applicable privilege or immunity and to the extent  
8 that it seeks documents that are confidential or proprietary. Blockbuster further  
9 specifically objects to this request on the grounds that it is vague, ambiguous,  
10 overbroad, unduly burdensome, oppressive, harassing, is not relevant to nor  
11 calculated to lead to the discovery of admissible evidence in this case, and is  
12 beyond the scope of discovery permitted by the Federal Rules of Civil Procedure.  
13 The bases for these objections include, without limitation, this request's use of the  
14 terms "BLOCKBUSTER" and "BLOCKBUSTERONLINE."

15 Subject to and without waiving the foregoing objections, Blockbuster  
16 will conduct a reasonable and diligent search for non-privileged, non-work-product  
17 documents sufficient to reasonably identify employees of Blockbuster Online and  
18 will produce such documents so located that have not already been produced in this  
19 case.

20 **REQUEST FOR PRODUCTION NO. 34:**

21 All DOCUMENTS RELATING TO agreements between  
22 BLOCKBUSTER and any consultant, including but not limited to ACCENTURE,  
23 IBM, and David Perkovich, to provide consultation services or products to  
24 BLOCKBUSTER relating to the development or operation of  
25 BLOCKBUSTERONLINE.

26 **RESPONSE TO REQUEST FOR PRODUCTION NO. 34:**

27 Each of Blockbuster's General Objections is incorporated here by  
28 reference. Blockbuster specifically objects to this request to the extent it seeks



1 documents that are protected by the attorney-client privilege, the attorney work-  
2 product doctrine, or any other applicable privilege or immunity and to the extent  
3 that it seeks documents that are confidential or proprietary. Blockbuster further  
4 specifically objects to this request on the grounds that it is vague, ambiguous,  
5 overbroad, unduly burdensome, oppressive, harassing, is not relevant to nor  
6 calculated to lead to the discovery of admissible evidence in this case, and is  
7 beyond the scope of discovery permitted by the Federal Rules of Civil Procedure.  
8 The bases for these objections include, without limitation, this request's use of the  
9 terms "BLOCKBUSTER," "BLOCKBUSTERONLINE," "ACCENTURE,"  
10 "IBM," and "RELATING TO."

11 Subject to and without waiving the foregoing objections, Blockbuster  
12 will conduct a reasonable and diligent search for non-privileged, non-work-product  
13 documents sufficient to reasonably describe any agreements by Blockbuster Inc. for  
14 consulting services provided by Accenture, IBM, and David Perkovich for  
15 Blockbuster Online and will produce such documents so located that have not  
16 already been produced in this case.

17 **REQUEST FOR PRODUCTION NO. 35:**

18 All DOCUMENTS exchanged between BLOCKBUSTER and any  
19 consultant, including but not limited to ACCENTURE, IBM, and David Perkovich,  
20 in connection with any agreement to provide consulting services or products to  
21 BLOCKBUSTER relating to the development or operation of  
22 BLOCKBUSTERONLINE.

23 **RESPONSE TO REQUEST FOR PRODUCTION NO. 35:**

24 Each of Blockbuster's General Objections is incorporated here by  
25 reference. Blockbuster specifically objects to this request to the extent it seeks  
26 documents that are protected by the attorney-client privilege, the attorney work-  
27 product doctrine, or any other applicable privilege or immunity and to the extent  
28 that it seeks documents that are confidential or proprietary. Blockbuster further



1 specifically objects to this request on the grounds that it is vague, ambiguous,  
 2 overbroad, unduly burdensome, oppressive, harassing, is not relevant to nor  
 3 calculated to lead to the discovery of admissible evidence in this case, and is  
 4 beyond the scope of discovery permitted by the Federal Rules of Civil Procedure.  
 5 The bases for these objections include, without limitation, this request's use of the  
 6 terms "BLOCKBUSTER," "BLOCKBUSTERONLINE," "ACCENTURE," and  
 7 "IBM."

8 Subject to and without waiving the foregoing objections, Blockbuster  
 9 will conduct a reasonable and diligent search for non-privileged, non-work-product  
 10 documents sufficient to reasonably describe consulting services provided by  
 11 Accenture, IBM, and David Perkovich for Blockbuster Online and will produce  
 12 such documents so located that have not already been produced in this case.

13 **REQUEST FOR PRODUCTION NO. 36:**

14 DOCUMENTS sufficient to identify the employees, contractors, or  
 15 agents of any consultant, including but not limited to ACCENTURE, IBM and  
 16 DVD Rental Central, who provided any information or performed any service for  
 17 BLOCKBUSTER in connection with the design, research, development, testing,  
 18 marketing, and operation of BLOCKBUSTERONLINE.

19 **RESPONSE TO REQUEST FOR PRODUCTION NO. 36:**

20 Each of Blockbuster's General Objections is incorporated here by  
 21 reference. Blockbuster specifically objects to this request to the extent it seeks  
 22 documents that are protected by the attorney-client privilege, the attorney work-  
 23 product doctrine, or any other applicable privilege or immunity and to the extent  
 24 that it seeks documents that are confidential or proprietary. Blockbuster further  
 25 specifically objects to this request on the grounds that it is vague, ambiguous,  
 26 overbroad, unduly burdensome, oppressive, harassing, is not relevant to nor  
 27 calculated to lead to the discovery of admissible evidence in this case, and is  
 28 beyond the scope of discovery permitted by the Federal Rules of Civil Procedure.



1 The bases for these objections include, without limitation, this request's use of the  
 2 terms "BLOCKBUSTER," "BLOCKBUSTERONLINE," "ACCENTURE," and  
 3 "IBM."

4 Subject to and without waiving the foregoing objections, Blockbuster  
 5 will conduct a reasonable and diligent search for non-privileged, non-work-product  
 6 reasonably identify employees of Accenture, IBM, and David Perkovich who are  
 7 known to Blockbuster Inc. to have had significant involvement in providing  
 8 consulting services for Blockbuster Online and will produce such documents so  
 9 located that have not already been produced in this case.

10 **REQUEST FOR PRODUCTION NO. 37:**

11 All DOCUMENTS RELATING TO the consideration by  
 12 BLOCKBUSTER, or by any consultant retained in connection with developing or  
 13 operating BLOCKBUSTERONLINE, of NETFLIX's ON-LINE rental system,  
 14 products, services, website, or methods.

15 **RESPONSE TO REQUEST FOR PRODUCTION NO. 37:**

16 Each of Blockbuster's General Objections is incorporated here by  
 17 reference. Blockbuster specifically objects to this request to the extent it seeks  
 18 documents that are protected by the attorney-client privilege, the attorney work-  
 19 product doctrine, or any other applicable privilege or immunity and to the extent  
 20 that it seeks documents that are confidential or proprietary. Blockbuster further  
 21 specifically objects to this request on the grounds that it is vague, ambiguous,  
 22 overbroad, unduly burdensome, oppressive, harassing, is not relevant to nor  
 23 calculated to lead to the discovery of admissible evidence in this case, and is  
 24 beyond the scope of discovery permitted by the Federal Rules of Civil Procedure.  
 25 The bases for these objections include, without limitation, this request's use of the  
 26 terms "BLOCKBUSTER," "BLOCKBUSTERONLINE," "NETFLIX," and "ON-  
 27 LINE."

28 Subject to and without waiving the foregoing objections, Blockbuster



1 will conduct a reasonable and diligent search for non-privileged, non-work-product  
 2 documents discussing consideration of Netflix in connection with developing or  
 3 operating Blockbuster Online and will produce such documents so located that have  
 4 not already been produced in this case.

5 **REQUEST FOR PRODUCTION NO. 38:**

6 All DOCUMENTS RELATING TO the consideration by  
 7 BLOCKBUSTER, or by any consultant retained in connection with developing or  
 8 operating BLOCKBUSTERONLINE, of any NETFLIX patents or patent  
 9 applications.

10 **RESPONSE TO REQUEST FOR PRODUCTION NO. 38:**

11 Each of Blockbuster's General Objections is incorporated here by  
 12 reference. Blockbuster specifically objects to this request to the extent it seeks  
 13 documents that are protected by the attorney-client privilege, the attorney work-  
 14 product doctrine, or any other applicable privilege or immunity and to the extent  
 15 that it seeks documents that are confidential or proprietary. Blockbuster further  
 16 specifically objects to this request on the grounds that it is vague, ambiguous,  
 17 overbroad, unduly burdensome, oppressive, harassing, is not relevant to nor  
 18 calculated to lead to the discovery of admissible evidence in this case, and is  
 19 beyond the scope of discovery permitted by the Federal Rules of Civil Procedure.  
 20 The bases for these objections include, without limitation, this request's use of the  
 21 terms "BLOCKBUSTER," "BLOCKBUSTERONLINE," and "NETFLIX."

22 Subject to and without waiving the foregoing objections, Blockbuster  
 23 will conduct a reasonable and diligent search for non-privileged, non-work-product  
 24 documents discussing consideration of Netflix patents or patent applications in  
 25 connection with developing or operating Blockbuster Online and will produce such  
 26 documents so located that have not already been produced in this case.

27 **REQUEST FOR PRODUCTION NO. 39:**

28 DOCUMENTS sufficient to show when BLOCKBUSTER, or any



1 consultant retained by BLOCKBUSTER in connection with  
 2 BLOCKBUSTERONLINE, first became aware of each of the PATENTS-IN-SUIT.

3 **RESPONSE TO REQUEST FOR PRODUCTION NO. 39:**

4 Each of Blockbuster's General Objections is incorporated here by  
 5 reference. Blockbuster specifically objects to this request to the extent it seeks  
 6 documents that are protected by the attorney-client privilege, the attorney work-  
 7 product doctrine, or any other applicable privilege or immunity and to the extent  
 8 that it seeks documents that are confidential or proprietary. Blockbuster further  
 9 specifically objects to this request on the grounds that it is vague, ambiguous,  
 10 overbroad, unduly burdensome, oppressive, harassing, is not relevant to nor  
 11 calculated to lead to the discovery of admissible evidence in this case, and is  
 12 beyond the scope of discovery permitted by the Federal Rules of Civil Procedure.  
 13 The bases for these objections include, without limitation, this request's use of the  
 14 terms "BLOCKBUSTER" and "BLOCKBUSTERONLINE."

15 Subject to and without waiving the foregoing objections, Blockbuster  
 16 will conduct a reasonable and diligent search for non-privileged, non-work-product  
 17 documents sufficient to reasonably show when Blockbuster Inc. became aware of  
 18 the patents-in-suit and will produce such documents so located that have not  
 19 already been produced in this case.

20 **REQUEST FOR PRODUCTION NO. 40:**

21 All DOCUMENTS RELATING TO the patentability of any claim of  
 22 the PATENTS-IN-SUIT including without limitation, any study, analysis, review,  
 23 conclusions, or opinions, whether written or oral.

24 **RESPONSE TO REQUEST FOR PRODUCTION NO. 40:**

25 Each of Blockbuster's General Objections is incorporated here by  
 26 reference. Blockbuster specifically objects to this request to the extent it seeks  
 27 documents that are protected by the attorney-client privilege, the attorney work-  
 28 product doctrine, or any other applicable privilege or immunity and to the extent



1 that it seeks documents that are confidential or proprietary. Blockbuster further  
2 specifically objects to this request on the grounds that it is vague, ambiguous,  
3 overbroad, unduly burdensome, oppressive, harassing, is not relevant to nor  
4 calculated to lead to the discovery of admissible evidence in this case, and is  
5 beyond the scope of discovery permitted by the Federal Rules of Civil Procedure,  
6 the Patent Local Rules, and the Court's Scheduling Order at this time. The bases  
7 for these objections include, without limitation, this request's use of the term  
8 "RELATING TO."

9           Subject to and without waiving the foregoing objections, Blockbuster  
10 will conduct a reasonable and diligent search for non-privileged, non-work-product  
11 documents providing evidence whether claims of the patents-in-suit were or are  
12 patentable and will produce such documents so located that have not already been  
13 produced in this case.

14 **REQUEST FOR PRODUCTION NO. 41:**

15           All DOCUMENTS RELATING TO the validity or invalidity of any  
16 claim of the PATENTS-IN-SUIT, including without limitation, any study, analysis,  
17 review, conclusions, research, investigation, or opinions, whether written or oral.

18 **RESPONSE TO REQUEST FOR PRODUCTION NO. 41:**

19           Each of Blockbuster's General Objections is incorporated here by  
20 reference. Blockbuster specifically objects to this request to the extent it seeks  
21 documents that are protected by the attorney-client privilege, the attorney work-  
22 product doctrine, or any other applicable privilege or immunity and to the extent  
23 that it seeks documents that are confidential or proprietary. Blockbuster further  
24 specifically objects to this request on the grounds that it is vague, ambiguous,  
25 overbroad, unduly burdensome, oppressive, harassing, is not relevant to nor  
26 calculated to lead to the discovery of admissible evidence in this case, and is  
27 beyond the scope of discovery permitted by the Federal Rules of Civil Procedure,  
28 the Patent Local Rules, and the Court's Scheduling Order at this time. The bases



1 for these objections include, without limitation, this request's use of the term  
2 "RELATING TO."

3 Subject to and without waiving the foregoing objections, Blockbuster  
4 will conduct a reasonable and diligent search for non-privileged, non-work-product  
5 documents providing evidence whether claims of the patents-in-suit were or are  
6 valid and will produce such documents so located that have not already been  
7 produced in this case.

8 **REQUEST FOR PRODUCTION NO. 42:**

9 All DOCUMENTS RELATING TO the novelty or lack thereof of any  
10 claim of the PATENTS-IN-SUIT, including without limitation, any study, analysis,  
11 review, conclusions, research, investigation, or options, whether written or oral.

12 **RESPONSE TO REQUEST FOR PRODUCTION NO. 42:**

13 Each of Blockbuster's General Objections is incorporated here by  
14 reference. Blockbuster specifically objects to this request to the extent it seeks  
15 documents that are protected by the attorney-client privilege, the attorney work-  
16 product doctrine, or any other applicable privilege or immunity and to the extent  
17 that it seeks documents that are confidential or proprietary. Blockbuster further  
18 specifically objects to this request on the grounds that it is vague, ambiguous,  
19 overbroad, unduly burdensome, oppressive, harassing, is not relevant to nor  
20 calculated to lead to the discovery of admissible evidence in this case, and is  
21 beyond the scope of discovery permitted by the Federal Rules of Civil Procedure,  
22 the Patent Local Rules, and the Court's Scheduling Order at this time. The bases  
23 for these objections include, without limitation, this request's use of the term  
24 "RELATING TO."

25 Subject to and without waiving the foregoing objections, Blockbuster  
26 will conduct a reasonable and diligent search for non-privileged, non-work-product  
27 documents providing evidence whether claims of the patents-in-suit were novel and  
28 will produce such documents so located that have not already been produced in this



1 case.

2 **REQUEST FOR PRODUCTION NO. 43:**

3 All DOCUMENTS RELATING TO the obviousness or non-  
4 obviousness of any claim of the PATENTS-IN-SUIT, including without limitation,  
5 any study, analysis, review, conclusions, research, investigation, or opinions,  
6 whether written or oral.

7 **RESPONSE TO REQUEST FOR PRODUCTION NO. 43:**

8 Each of Blockbuster's General Objections is incorporated here by  
9 reference. Blockbuster specifically objects to this request to the extent it seeks  
10 documents that are protected by the attorney-client privilege, the attorney work-  
11 product doctrine, or any other applicable privilege or immunity and to the extent  
12 that it seeks documents that are confidential or proprietary. Blockbuster further  
13 specifically objects to this request on the grounds that it is vague, ambiguous,  
14 overbroad, unduly burdensome, oppressive, harassing, is not relevant to nor  
15 calculated to lead to the discovery of admissible evidence in this case, and is  
16 beyond the scope of discovery permitted by the Federal Rules of Civil Procedure,  
17 the Patent Local Rules, and the Court's Scheduling Order at this time. The bases  
18 for these objections include, without limitation, this request's use of the term  
19 "RELATING TO."

20 Subject to and without waiving the foregoing objections, Blockbuster  
21 will conduct a reasonable and diligent search for non-privileged, non-work-product  
22 documents providing evidence whether claims of the patents-in-suit were obvious  
23 and will produce such documents so located that have not already been produced in  
24 this case.

25 **REQUEST FOR PRODUCTION NO. 44:**

26 All DOCUMENTS RELATING TO the enforceability or non-  
27 enforceability of any claim of the PATENTS-IN-SUIT, including without  
28 limitation, any study, analysis, review, conclusions, research, investigation, or



1 opinions, whether written or oral.

2 **RESPONSE TO REQUEST FOR PRODUCTION NO. 44:**

3 Each of Blockbuster's General Objections is incorporated here by  
 4 reference. Blockbuster specifically objects to this request to the extent it seeks  
 5 documents that are protected by the attorney-client privilege, the attorney work-  
 6 product doctrine, or any other applicable privilege or immunity and to the extent  
 7 that it seeks documents that are confidential or proprietary. Blockbuster further  
 8 specifically objects to this request on the grounds that it is vague, ambiguous,  
 9 overbroad, unduly burdensome, oppressive, harassing, is not relevant to nor  
 10 calculated to lead to the discovery of admissible evidence in this case, and is  
 11 beyond the scope of discovery permitted by the Federal Rules of Civil Procedure,  
 12 the Patent Local Rules, and the Court's Scheduling Order at this time. The bases  
 13 for these objections include, without limitation, this request's use of the term  
 14 "RELATING TO."

15 Subject to and without waiving the foregoing objections, Blockbuster  
 16 will conduct a reasonable and diligent search for non-privileged, non-work-product  
 17 documents providing evidence whether claims of the patents-in-suit were or are  
 18 enforceable and will produce such documents so located that have not already been  
 19 produced in this case.

20 **REQUEST FOR PRODUCTION NO. 45:**

21 All DOCUMENTS RELATING TO actual or potential infringement  
 22 or non-infringement of any claim of the PATENTS-IN-SUIT by  
 23 BLOCKBUSTERONLINE, including without limitation, any study, analysis,  
 24 review, conclusions, research, investigation or opinions, whether written or oral.

25 **RESPONSE TO REQUEST FOR PRODUCTION NO. 45:**

26 Each of Blockbuster's General Objections is incorporated here by  
 27 reference. Blockbuster specifically objects to this request to the extent it seeks  
 28 documents that are protected by the attorney-client privilege, the attorney work-



1 product doctrine, or any other applicable privilege or immunity and to the extent  
 2 that it seeks documents that are confidential or proprietary. Blockbuster further  
 3 specifically objects to this request on the grounds that it is vague, ambiguous,  
 4 overbroad, unduly burdensome, oppressive, harassing, is not relevant to nor  
 5 calculated to lead to the discovery of admissible evidence in this case, and is  
 6 beyond the scope of discovery permitted by the Federal Rules of Civil Procedure,  
 7 the Patent Local Rules, and the Court's Scheduling Order at this time. The bases  
 8 for these objections include, without limitation, this request's use of the terms  
 9 "BLOCKBUSTERONLINE" and "RELATING TO."

10 Subject to and without waiving the foregoing objections, Blockbuster  
 11 will conduct a reasonable and diligent search for non-privileged, non-work-product  
 12 documents discussing infringement or non-infringement of the patents-in-suit and  
 13 will produce such documents so located that have not already been produced in this  
 14 case.

15 **REQUEST FOR PRODUCTION NO. 46:**

16 All DOCUMENTS RELATING TO any opinion of legal counsel with  
 17 respect to infringement, non-infringement, validity, invalidity, enforceability,  
 18 interpretation or scope of any claim of the PATENTS-IN-SUIT, including without  
 19 limitation any oral or written options or advice.

20 **RESPONSE TO REQUEST FOR PRODUCTION NO. 46:**

21 Each of Blockbuster's General Objections is incorporated here by  
 22 reference. Blockbuster specifically objects to this request to the extent it seeks  
 23 documents that are protected by the attorney-client privilege, the attorney work-  
 24 product doctrine, or any other applicable privilege or immunity and to the extent  
 25 that it seeks documents that are confidential or proprietary. Blockbuster further  
 26 specifically objects to this request on the grounds that it is vague, ambiguous,  
 27 overbroad, unduly burdensome, oppressive, harassing, is not relevant to nor  
 28 calculated to lead to the discovery of admissible evidence in this case, and is



beyond the scope of discovery permitted by the Federal Rules of Civil Procedure, the Patent Local Rules, and the Court's Scheduling Order at this time. The bases for these objections include, without limitation, this request's use of the term "RELATING TO."

Subject to and without waiving the foregoing objections, Blockbuster will produce any requested documents only at the time provided in the Court's scheduling order.

**REQUEST FOR PRODUCTION NO. 47:**

All DOCUMENTS RELATING TO any COMMUNICATION between BLOCKBUSTER, or anyone acting on its behalf, and any other third party about the patentability, validity, enforceability, scope, or infringement by BLOCKBUSTERONLINE of any claim of the PATENTS-IN-SUIT.

**RESPONSE TO REQUEST FOR PRODUCTION NO. 47:**

Each of Blockbuster's General Objections is incorporated here by reference. Blockbuster specifically objects to this request to the extent it seeks documents that are protected by the attorney-client privilege, the attorney work-product doctrine, or any other applicable privilege or immunity and to the extent that it seeks documents that are confidential or proprietary. Blockbuster further specifically objects to this request on the grounds that it is vague, ambiguous, overbroad, unduly burdensome, oppressive, harassing, is not relevant to nor calculated to lead to the discovery of admissible evidence in this case, and is beyond the scope of discovery permitted by the Federal Rules of Civil Procedure. The bases for these objections include, without limitation, this request's use of the terms "BLOCKBUSTER," "BLOCKBUSTERONLINE," "RELATING TO," and "other third party."

Subject to and without waiving the foregoing objections, Blockbuster will conduct a reasonable and diligent search for non-privileged, non-work-product communications between Blockbuster and unrelated third parties discussing



1 patentability, validity, enforceability, scope, or infringement by Blockbuster Online  
 2 of the patents-in-suit and will produce such documents so located that have not  
 3 already been produced in this case.

4 **REQUEST FOR PRODUCTION NO. 48:**

5 All DOCUMENTS RELATING TO any COMMUNICATION, study,  
 6 analysis, review, conclusions, or opinions, whether written or oral, regarding any of  
 7 the NCR PATENTS.

8 **RESPONSE TO REQUEST FOR PRODUCTION NO. 48:**

9 Each of Blockbuster's General Objections is incorporated here by  
 10 reference. Blockbuster specifically objects to this request to the extent it seeks  
 11 documents that are protected by the attorney-client privilege, the attorney work-  
 12 product doctrine, or any other applicable privilege or immunity and to the extent  
 13 that it seeks documents that are confidential or proprietary. Blockbuster further  
 14 specifically objects to this request on the grounds that it is vague, ambiguous,  
 15 overbroad, unduly burdensome, oppressive, harassing, is not relevant to nor  
 16 calculated to lead to the discovery of admissible evidence in this case, and is  
 17 beyond the scope of discovery permitted by the Federal Rules of Civil Procedure.  
 18 The bases for these objections include, without limitation, this request's use of the  
 19 term "RELATING TO."

20 Subject to and without waiving the foregoing objections, Blockbuster  
 21 will conduct a reasonable and diligent search for non-privileged, non-work-product  
 22 documents discussing the NCR patents and will produce such documents so located  
 23 that have not already been produced in this case.

24 **REQUEST FOR PRODUCTION NO. 49:**

25 All DOCUMENTS RELATING TO any COMMUNICATION, study,  
 26 analysis, review, conclusions, or opinions, whether written or oral, as to United  
 27 States Patent. No. 5,459,306, issued on October 17, 1995, entitled "Method and  
 28 System for Delivering On Demand, Individually Targeted Promotions."



**RESPONSE TO REQUEST FOR PRODUCTION NO. 49:**

Each of Blockbuster's General Objections is incorporated here by reference. Blockbuster specifically objects to this request to the extent it seeks documents that are protected by the attorney-client privilege, the attorney work-product doctrine, or any other applicable privilege or immunity and to the extent that it seeks documents that are confidential or proprietary. Blockbuster further specifically objects to this request on the grounds that it is vague, ambiguous, overbroad, unduly burdensome, oppressive, harassing, is not relevant to nor calculated to lead to the discovery of admissible evidence in this case, and is beyond the scope of discovery permitted by the Federal Rules of Civil Procedure. The bases for these objections include, without limitation, this request's use of the term "RELATING TO."

Subject to and without waiving the foregoing objections, Blockbuster will conduct a reasonable and diligent search for non-privileged, non-work-product documents discussing the '306 patent and will produce such documents so located that have not already been produced in this case.

**REQUEST FOR PRODUCTION NO. 50:**

All DOCUMENTS RELATING TO any comparison of the functions, features, or characteristics of BLOCKBUSTERONLINE with any of the functions, features, or characteristics of NETFLIX's system.

**RESPONSE TO REQUEST FOR PRODUCTION NO. 50:**

Each of Blockbuster's General Objections is incorporated here by reference. Blockbuster specifically objects to this request to the extent it seeks documents that are protected by the attorney-client privilege, the attorney work-product doctrine, or any other applicable privilege or immunity and to the extent that it seeks documents that are confidential or proprietary. Blockbuster further specifically objects to this request on the grounds that it is vague, ambiguous, overbroad, unduly burdensome, oppressive, harassing, is not relevant to nor



1 calculated to lead to the discovery of admissible evidence in this case, and is  
2 beyond the scope of discovery permitted by the Federal Rules of Civil Procedure.  
3 The bases for these objections include, without limitation, this request's use of the  
4 terms "BLOCKBUSTERONLINE" and "RELATING TO."

5 Subject to and without waiving the foregoing objections, Blockbuster  
6 will conduct a reasonable and diligent search for non-privileged, non-work-product  
7 documents comparing Blockbuster Online with Netflix and will produce such  
8 documents so located that have not already been produced in this case.

9 **REQUEST FOR PRODUCTION NO. 51:**

10 All DOCUMENTS RELATING to any comparison of the functions,  
11 features, or characteristics of BLOCKBUSTERONLINE with any claim of the  
12 PATENTS-IN-SUIT.

13 **RESPONSE TO REQUEST FOR PRODUCTION NO. 51:**

14 Each of Blockbuster's General Objections is incorporated here by  
15 reference. Blockbuster specifically objects to this request to the extent it seeks  
16 documents that are protected by the attorney-client privilege, the attorney work-  
17 product doctrine, or any other applicable privilege or immunity and to the extent  
18 that it seeks documents that are confidential or proprietary. Blockbuster further  
19 specifically objects to this request on the grounds that it is vague, ambiguous,  
20 overbroad, unduly burdensome, oppressive, harassing, is not relevant to nor  
21 calculated to lead to the discovery of admissible evidence in this case, and is  
22 beyond the scope of discovery permitted by the Federal Rules of Civil Procedure.  
23 The bases for these objections include, without limitation, this request's use of the  
24 terms "BLOCKBUSTERONLINE," "NETFLIX," and "RELATING TO."

25 Subject to and without waiving the foregoing objections, Blockbuster  
26 will conduct a reasonable and diligent search for non-privileged, non-work-product  
27 documents comparing Blockbuster Online with the patents-in-suit and will produce  
28 such documents so located that have not already been produced in this case.



**REQUEST FOR PRODUCTION NO. 52:**

All DOCUMENTS RELATING to any comparison of the functions, features, or claims of the NCR PATENTS with any claim of the PATENTS-IN-SUIT.

**RESPONSE TO REQUEST FOR PRODUCTION NO. 52:**

Each of Blockbuster's General Objections is incorporated here by reference. Blockbuster specifically objects to this request to the extent it seeks documents that are protected by the attorney-client privilege, the attorney work-product doctrine, or any other applicable privilege or immunity and to the extent that it seeks documents that are confidential or proprietary. Blockbuster further specifically objects to this request on the grounds that it is vague, ambiguous, overbroad, unduly burdensome, oppressive, harassing, is not relevant to nor calculated to lead to the discovery of admissible evidence in this case, and is beyond the scope of discovery permitted by the Federal Rules of Civil Procedure. The bases for these objections include, without limitation, this request's use of the term "RELATING TO."

Subject to and without waiving the foregoing objections, Blockbuster will conduct a reasonable and diligent search for non-privileged, non-work-product documents comparing the NCR patents with any claims of the patents-in-suit and will produce such documents so located that have not already been produced in this case.

**REQUEST FOR PRODUCTION NO. 53:**

All DOCUMENTS RELATING to any comparison of the functions, features, or claims of United States Patent. No. 5,459,306, issued on October 17, 1995, entitled "Method and System for Delivering On Demand, Individually Targeted Promotions," with any claim of the PATENTS-IN-SUIT.

**RESPONSE TO REQUEST FOR PRODUCTION NO. 53:**

Each of Blockbuster's General Objections is incorporated here by



1 reference. Blockbuster specifically objects to this request to the extent it seeks  
2 documents that are protected by the attorney-client privilege, the attorney work-  
3 product doctrine, or any other applicable privilege or immunity and to the extent  
4 that it seeks documents that are confidential or proprietary. Blockbuster further  
5 specifically objects to this request on the grounds that it is vague, ambiguous,  
6 overbroad, unduly burdensome, oppressive, harassing, is not relevant to nor  
7 calculated to lead to the discovery of admissible evidence in this case, and is  
8 beyond the scope of discovery permitted by the Federal Rules of Civil Procedure.  
9 The bases for these objections include, without limitation, this request's use of the  
10 term "RELATING TO."

11 Subject to and without waiving the foregoing objections, Blockbuster  
12 will conduct a reasonable and diligent search for non-privileged, non-work-product  
13 documents comparing the '306 patent with any claims of the patents-in-suit and  
14 will produce such documents so located that have not already been produced in this  
15 case.

16 **REQUEST FOR PRODUCTION NO. 54:**

17 All DOCUMENTS RELATING TO any patent, literature or prior art  
18 search conducted with respect to either of the PATENTS-IN-SUIT.

19 **RESPONSE TO REQUEST FOR PRODUCTION NO. 54:**

20 Each of Blockbuster's General Objections is incorporated here by  
21 reference. Blockbuster specifically objects to this request to the extent it seeks  
22 documents that are protected by the attorney-client privilege, the attorney work-  
23 product doctrine, or any other applicable privilege or immunity and to the extent  
24 that it seeks documents that are confidential or proprietary. Blockbuster further  
25 specifically objects to this request on the grounds that it is vague, ambiguous,  
26 overbroad, unduly burdensome, oppressive, harassing, is not relevant to nor  
27 calculated to lead to the discovery of admissible evidence in this case, and is  
28 beyond the scope of discovery permitted by the Federal Rules of Civil Procedure,



1 the Patent Local Rules, and the Court's Scheduling Order at this time. The bases  
 2 for these objections include, without limitation, this request's use of the term  
 3 "RELATING TO."

4 Subject to and without waiving the foregoing objections, Blockbuster  
 5 will conduct a reasonable and diligent search for non-privileged, non-work-product  
 6 documents discussing searches referred to in this request and will produce such  
 7 documents so located that have not already been produced in this case.

8 **REQUEST FOR PRODUCTION NO. 55:**

9 All DOCUMENTS RELATING TO any COMMUNICATIONS  
 10 between BLOCKBUSTER and NETFLIX.

11 **RESPONSE TO REQUEST FOR PRODUCTION NO. 55:**

12 Each of Blockbuster's General Objections is incorporated here by  
 13 reference. Blockbuster specifically objects to this request to the extent it seeks  
 14 documents that are protected by the attorney-client privilege, the attorney work-  
 15 product doctrine, or any other applicable privilege or immunity and to the extent  
 16 that it seeks documents that are confidential or proprietary. Blockbuster further  
 17 specifically objects to this request on the grounds that it is vague, ambiguous,  
 18 overbroad, unduly burdensome, oppressive, harassing, is not relevant to nor  
 19 calculated to lead to the discovery of admissible evidence in this case, and is  
 20 beyond the scope of discovery permitted by the Federal Rules of Civil Procedure.  
 21 The bases for these objections include, without limitation, this request's use of the  
 22 terms "BLOCKBUSTER," "NETFLIX," and "RELATING TO."

23 Subject to and without waiving the foregoing objections, Blockbuster  
 24 will conduct a reasonable and diligent search for non-privileged, non-work-product  
 25 documents constituting or recording communications between Blockbuster Inc. and  
 26 Netflix, Inc., and will produce such documents so located that have not already  
 27 been produced in this case.

28 ///



**REQUEST FOR PRODUCTION NO. 56:**

DOCUMENTS sufficient to describe fully BLOCKBUSTER's electronic mail, electronic mail backup, and electronic mail deletion policies.

**RESPONSE TO REQUEST FOR PRODUCTION NO. 56:**

Each of Blockbuster's General Objections is incorporated here by reference. Blockbuster specifically objects to this request to the extent it seeks documents that are protected by the attorney-client privilege, the attorney work-product doctrine, or any other applicable privilege or immunity and to the extent that it seeks documents that are confidential or proprietary. Blockbuster further specifically objects to this request on the grounds that it is vague, ambiguous, overbroad, unduly burdensome, oppressive, harassing, is not relevant to nor calculated to lead to the discovery of admissible evidence in this case, and is beyond the scope of discovery permitted by the Federal Rules of Civil Procedure. The bases for these objections include, without limitation, this request's use of the term "BLOCKBUSTER."

Subject to and without waiving the foregoing objections, Blockbuster will conduct a reasonable and diligent search for non-privileged, non-work-product documents sufficient to reasonably describe any potentially relevant email policies of Blockbuster Inc. in effect between January 1, 2003 and the present and will produce such documents so located that have not already been produced in this case.

**REQUEST FOR PRODUCTION NO. 57:**

DOCUMENTS sufficient to describe fully each of BLOCKBUSTER's document retention policies in effect between January 1, 2003 to the present.

**RESPONSE TO REQUEST FOR PRODUCTION NO. 57:**

Each of Blockbuster's General Objections is incorporated here by reference. Blockbuster specifically objects to this request to the extent it seeks documents that are protected by the attorney-client privilege, the attorney work-



1 product doctrine, or any other applicable privilege or immunity and to the extent  
 2 that it seeks documents that are confidential or proprietary. Blockbuster further  
 3 specifically objects to this request on the grounds that it is vague, ambiguous,  
 4 overbroad, unduly burdensome, oppressive, harassing, is not relevant to nor  
 5 calculated to lead to the discovery of admissible evidence in this case, and is  
 6 beyond the scope of discovery permitted by the Federal Rules of Civil Procedure.  
 7 The bases for these objections include, without limitation, this request's use of the  
 8 term "BLOCKBUSTER."

9 Subject to and without waiving the foregoing objections, Blockbuster  
 10 will conduct a reasonable and diligent search for non-privileged, non-work-product  
 11 documents sufficient to reasonably describe any potentially relevant document  
 12 retention policies of Blockbuster Inc. during the stated period and will produce such  
 13 documents so located that have not already been produced in this case.

14 **REQUEST FOR PRODUCTION NO. 58:**

15 All DOCUMENTS RELATING TO BLOCKBUSTER's expenditures  
 16 to develop and implement BLOCKBUSTERONLINE.

17 **RESPONSE TO REQUEST FOR PRODUCTION NO. 58:**

18 Each of Blockbuster's General Objections is incorporated here by  
 19 reference. Blockbuster specifically objects to this request to the extent it seeks  
 20 documents that are protected by the attorney-client privilege, the attorney work-  
 21 product doctrine, or any other applicable privilege or immunity and to the extent  
 22 that it seeks documents that are confidential or proprietary. Blockbuster further  
 23 specifically objects to this request on the grounds that it is vague, ambiguous,  
 24 overbroad, unduly burdensome, oppressive, harassing, is not relevant to nor  
 25 calculated to lead to the discovery of admissible evidence in this case, and is  
 26 beyond the scope of discovery permitted by the Federal Rules of Civil Procedure.  
 27 The bases for these objections include, without limitation, this request's use of the  
 28 terms "BLOCKBUSTER," "BLOCKBUSTERONLINE," and "RELATING TO."



1 Subject to and without waiving the foregoing objections, Blockbuster  
2 will conduct a reasonable and diligent search for non-privileged, non-work-product  
3 documents sufficient to reasonably describe expenditures to develop and implement  
4 Blockbuster Online and will produce such documents so located that have not  
5 already been produced in this case.

6 **REQUEST FOR PRODUCTION NO. 59:**

7 All DOCUMENTS RELATING TO BLOCKBUSTER's expenditures  
8 to maintain and operate BLOCKBUSTERONLINE from launch to the present.

9 **RESPONSE TO REQUEST FOR PRODUCTION NO. 59:**

10 Each of Blockbuster's General Objections is incorporated here by  
11 reference. Blockbuster specifically objects to this request to the extent it seeks  
12 documents that are protected by the attorney-client privilege, the attorney work-  
13 product doctrine, or any other applicable privilege or immunity and to the extent  
14 that it seeks documents that are confidential or proprietary. Blockbuster further  
15 specifically objects to this request on the grounds that it is vague, ambiguous,  
16 overbroad, unduly burdensome, oppressive, harassing, is not relevant to nor  
17 calculated to lead to the discovery of admissible evidence in this case, and is  
18 beyond the scope of discovery permitted by the Federal Rules of Civil Procedure.  
19 The bases for these objections include, without limitation, this request's use of the  
20 terms "BLOCKBUSTER," and "BLOCKBUSTERONLINE," and "RELATING  
21 TO."

22 Subject to and without waiving the foregoing objections, Blockbuster  
23 will conduct a reasonable and diligent search for non-privileged, non-work-product  
24 documents sufficient to reasonably describe expenditures to maintain and operate  
25 Blockbuster Online and will produce such documents so located that have not  
26 already been produced in this case.

27 ///

28 ///



**REQUEST FOR PRODUCTION NO. 60:**

All DOCUMENTS RELATING TO BLOCKBUSTER'S consideration(s) of acquiring NETFLIX, including without limitation any COMMUNICATION, plan, report, analysis and research.

**RESPONSE TO REQUEST FOR PRODUCTION NO. 60:**

Each of Blockbuster's General Objections is incorporated here by reference. Blockbuster specifically objects to this request to the extent it seeks documents that are protected by the attorney-client privilege, the attorney work-product doctrine, or any other applicable privilege or immunity and to the extent that it seeks documents that are confidential or proprietary. Blockbuster further specifically objects to this request on the grounds that it is vague, ambiguous, overbroad, unduly burdensome, oppressive, harassing, is not relevant to nor calculated to lead to the discovery of admissible evidence in this case, and is beyond the scope of discovery permitted by the Federal Rules of Civil Procedure. The bases for these objections include, without limitation, this request's use of the terms "BLOCKBUSTER," and "NETFLIX," and "RELATING TO."

Subject to and without waiving the foregoing objections, Blockbuster will conduct a reasonable and diligent search for non-privileged, non-work-product documents discussing Blockbuster Inc.'s acquiring Netflix and will produce such documents so located that have not already been produced in this case.

**REQUEST FOR PRODUCTION NO. 61:**

All DOCUMENTS RELATING TO any actions taken by BLOCKBUSTER RELATING TO the potential acquisition of NETFLIX, including without limitation any plans or financial arrangements.

**RESPONSE TO REQUEST FOR PRODUCTION NO. 61:**

Each of Blockbuster's General Objections is incorporated here by reference. Blockbuster specifically objects to this request to the extent it seeks documents that are protected by the attorney-client privilege, the attorney work-



1 product doctrine, or any other applicable privilege or immunity and to the extent  
 2 that it seeks documents that are confidential or proprietary. Blockbuster further  
 3 specifically objects to this request on the grounds that it is vague, ambiguous,  
 4 overbroad, unduly burdensome, oppressive, harassing, is not relevant to nor  
 5 calculated to lead to the discovery of admissible evidence in this case, and is  
 6 beyond the scope of discovery permitted by the Federal Rules of Civil Procedure.  
 7 The bases for these objections include, without limitation, this request's use of the  
 8 terms "BLOCKBUSTER," "NETFLIX," and "RELATING TO."

9 Subject to and without waiving the foregoing objections, Blockbuster  
 10 will conduct a reasonable and diligent search for non-privileged, non-work-product  
 11 documents discussing actions taken by Blockbuster Inc. to acquire Netflix and will  
 12 produce such documents so located that have not already been produced in this  
 13 case.

14 **REQUEST FOR PRODUCTION NO. 62:**

15 All DOCUMENTS RELATING TO BLOCKBUSTER'S  
 16 consideration of selling BLOCKBUSTERONLINE to any company, including  
 17 without limitation any COMMUNICATION, plan, report, analysis, or research.

18 **RESPONSE TO REQUEST FOR PRODUCTION NO. 62:**

19 Each of Blockbuster's General Objections is incorporated here by  
 20 reference. Blockbuster specifically objects to this request to the extent it seeks  
 21 documents that are protected by the attorney-client privilege, the attorney work-  
 22 product doctrine, or any other applicable privilege or immunity and to the extent  
 23 that it seeks documents that are confidential or proprietary. Blockbuster further  
 24 specifically objects to this request on the grounds that it is vague, ambiguous,  
 25 overbroad, unduly burdensome, oppressive, harassing, is not relevant to nor  
 26 calculated to lead to the discovery of admissible evidence in this case, and is  
 27 beyond the scope of discovery permitted by the Federal Rules of Civil Procedure.  
 28 The bases for these objections include, without limitation, this request's use of the



1 terms "BLOCKBUSTER," "BLOCKBUSTERONLINE," and "RELATING TO."

2 Subject to and without waiving the foregoing objections, Blockbuster  
3 will conduct a reasonable and diligent search for non-privileged, non-work-product  
4 documents discussing Blockbuster Inc.'s selling Blockbuster Online and will  
5 produce such documents so located that have not already been produced in this  
6 case.

7 **REQUEST FOR PRODUCTION NO. 63:**

8 All DOCUMENTS RELATING TO the possibility of  
9 BLOCKBUSTER'S obtaining a license to any of the PATENTS-IN-SUIT from  
10 NETFLIX, including without limitation any COMMUNICATION, plan, report,  
11 analysis, or research.

12 **RESPONSE TO REQUEST FOR PRODUCTION NO. 63:**

13 Each of Blockbuster's General Objections is incorporated here by  
14 reference. Blockbuster specifically objects to this request to the extent it seeks  
15 documents that are protected by the attorney-client privilege, the attorney work-  
16 product doctrine, or any other applicable privilege or immunity and to the extent  
17 that it seeks documents that are confidential or proprietary. Blockbuster further  
18 specifically objects to this request on the grounds that it is vague, ambiguous,  
19 overbroad, unduly burdensome, oppressive, harassing, is not relevant to nor  
20 calculated to lead to the discovery of admissible evidence in this case, and is  
21 beyond the scope of discovery permitted by the Federal Rules of Civil Procedure.  
22 The bases for these objections include, without limitation, this request's use of the  
23 terms "BLOCKBUSTER," "NETFLIX," and "RELATING TO."

24 Subject to and without waiving the foregoing objections, Blockbuster  
25 will conduct a reasonable and diligent search for non-privileged, non-work-product  
26 documents discussing Blockbuster Inc.'s obtaining a license to the patents-in-suit  
27 from Netflix and will produce such documents so located that have not already been  
28 produced in this case.



**REQUEST FOR PRODUCTION NO. 64:**

All DOCUMENTS referred to or described an Pages 72 through 77 of BLOCKBUSTER's July 28, 2006 Supplemented Initial Disclosures as documents that may BLOCKBUSTER may use to support its claims and defenses.

**RESPONSE TO REQUEST FOR PRODUCTION NO. 64:**

Each of Blockbuster's General Objections is incorporated here by reference. Subject to and without waiving the foregoing objections, Blockbuster will conduct a reasonable and diligent search for non-privileged, non-work-product documents as requested by this request and will produce such documents so located that have not already been produced in this case.

**REQUEST FOR PRODUCTION NO. 65:**

All DOCUMENTS RELATING to the categories of damages and the computation thereof described on pages 77 through 79 of BLOCKBUSTER's July 28, 2006 Supplemented Initial Disclosures.

**RESPONSE TO REQUEST FOR PRODUCTION NO. 65:**

Each of Blockbuster's General Objections is incorporated here by reference. Blockbuster specifically objects to this request to the extent it seeks documents that are protected by the attorney-client privilege, the attorney work-product doctrine, or any other applicable privilege or immunity and to the extent that it seeks documents that are confidential or proprietary. Blockbuster further specifically objects to this request on the grounds that it is vague, ambiguous, overbroad, unduly burdensome, oppressive, harassing, is not relevant to nor calculated to lead to the discovery of admissible evidence in this case, and is beyond the scope of discovery permitted by the Federal Rules of Civil Procedure. The bases for these objections include, without limitation, this request's use of the term "RELATING TO."

Subject to and without waiving the foregoing objections, Blockbuster will conduct a reasonable and diligent search for non-privileged, non-work-product



documents showing the damages referred to in this request and will produce such documents so located that have not already been produced in this case.

**REQUEST FOR PRODUCTION NO. 66:**

All DOCUMENTS on Page 79 of BLOCKBUSTER's July 28, 2006 Supplemented Initial Disclosures as documents supporting Blockbuster Inc.'s damages.

**RESPONSE TO REQUEST FOR PRODUCTION NO. 66:**

Each of Blockbuster's General Objections is incorporated here by reference. Subject to and without waiving the foregoing objections, Blockbuster will conduct a reasonable and diligent search for non-privileged, non-work-product documents as requested by this request and will produce such documents so located that have not already been produced in this case.

**REQUEST FOR PRODUCTION NO. 67:**

All DOCUMENTS RELATING TO BLOCKBUSTER's allegation in its ANSWER, ¶ 88, that "[t]he relevant product market...is the market for ON-LINE DVD rentals and related subscription services," including without limitation all documents that tend to support or contradict that allegation.

**RESPONSE TO REQUEST FOR PRODUCTION NO. 67:**

Each of Blockbuster's General Objections is incorporated here by reference. Blockbuster specifically objects to this request to the extent it seeks documents that are protected by the attorney-client privilege, the attorney work-product doctrine, or any other applicable privilege or immunity and to the extent that it seeks documents that are confidential or proprietary. Blockbuster further specifically objects to this request on the grounds that it is vague, ambiguous, overbroad, unduly burdensome, oppressive, harassing, is not relevant to nor calculated to lead to the discovery of admissible evidence in this case, and is beyond the scope of discovery permitted by the Federal Rules of Civil Procedure. The bases for these objections include, without limitation, this request's use of the



1 terms "ON-LINE" and "RELATING TO."

2 Subject to and without waiving the foregoing objections, Blockbuster  
3 will conduct a reasonable and diligent search for non-privileged, non-work-product  
4 documents sufficient to reasonably describe and support the relevant market  
5 referred to in this request and will produce such documents so located that have not  
6 already been produced in this case.

7 **REQUEST FOR PRODUCTION NO. 68:**

8 All DOCUMENTS RELATING TO the market(s) in which ONLINE  
9 DVD rental companies such as BLOCKBUSTERONLINE and NETFLIX compete  
10 or may compete, including without limitation any reports, analyses, studies, or  
11 statements made by BLOCKBUSTER, or on its behalf, concerning such market(s)  
12 or market definitions.

13 **RESPONSE TO REQUEST FOR PRODUCTION NO. 68:**

14 Each of Blockbuster's General Objections is incorporated here by  
15 reference. Blockbuster specifically objects to this request to the extent it seeks  
16 documents that are protected by the attorney-client privilege, the attorney work-  
17 product doctrine, or any other applicable privilege or immunity and to the extent  
18 that it seeks documents that are confidential or proprietary. Blockbuster further  
19 specifically objects to this request on the grounds that it is vague, ambiguous,  
20 overbroad, unduly burdensome, oppressive, harassing, is not relevant to nor  
21 calculated to lead to the discovery of admissible evidence in this case, and is  
22 beyond the scope of discovery permitted by the Federal Rules of Civil Procedure.  
23 The bases for these objections include, without limitation, this request's use of the  
24 terms "BLOCKBUSTER," "NETFLIX," "ON-LINE," and "RELATING TO."

25 Subject to and without waiving the foregoing objections, Blockbuster  
26 will conduct a reasonable and diligent search for non-privileged, non-work-product  
27 documents sufficient to reasonably describe and support the market referred to in  
28 this request and will produce such documents so located that have not already been



1 produced in this case.

2 **REQUEST FOR PRODUCTION NO. 69:**

3 All DOCUMENTS RELATING TO the identity or characteristics of  
4 actual or prospective competitors with ONLINE DVD rental companies, such as  
5 BLOCKBUSTERONLINE and NETFLIX, including without limitation any  
6 reports, analyses, studies, or statements made by BLOCKBUSTER, or on its behalf,  
7 concerning actual or prospective competition from IN-STORE rentals, new or used  
8 DVD sales, Broadband Internet, or video on demand.

9 **RESPONSE TO REQUEST FOR PRODUCTION NO. 69:**

10 Each of Blockbuster's General Objections is incorporated here by  
11 reference. Blockbuster specifically objects to this request to the extent it seeks  
12 documents that are protected by the attorney-client privilege, the attorney work-  
13 product doctrine, or any other applicable privilege or immunity and to the extent  
14 that it seeks documents that are confidential or proprietary. Blockbuster further  
15 specifically objects to this request on the grounds that it is vague, ambiguous,  
16 overbroad, unduly burdensome, oppressive, harassing, is not relevant to nor  
17 calculated to lead to the discovery of admissible evidence in this case, and is  
18 beyond the scope of discovery permitted by the Federal Rules of Civil Procedure.  
19 The bases for these objections include, without limitation, this request's use of the  
20 terms "BLOCKBUSTER," "BLOCKBUSTERONLINE," "NETFLIX," "ON-  
21 LINE," and "RELATING TO."

22 Subject to and without waiving the foregoing objections, Blockbuster  
23 will conduct a reasonable and diligent search for non-privileged, non-work-product  
24 documents sufficient to reasonably identify competitors referred to in this request  
25 and will produce such documents so located that have not already been produced in  
26 this case.

27 **REQUEST FOR PRODUCTION NO. 70:**

28 All DOCUMENTS RELATING TO BLOCKBUSTER's allegation in



1 its ANSWER, ¶ 88, that “the relevant geographical market is the United States and  
 2 its territories as a whole,” including without limitation all documents that tend to  
 3 support or contradict that allegation.

4 **RESPONSE TO REQUEST FOR PRODUCTION NO. 70:**

5 Each of Blockbuster’s General Objections is incorporated here by  
 6 reference. Blockbuster specifically objects to this request to the extent it seeks  
 7 documents that are protected by the attorney-client privilege, the attorney work-  
 8 product doctrine, or any other applicable privilege or immunity and to the extent  
 9 that it seeks documents that are confidential or proprietary. Blockbuster further  
 10 specifically objects to this request on the grounds that it is vague, ambiguous,  
 11 overbroad, unduly burdensome, oppressive, harassing, is not relevant to nor  
 12 calculated to lead to the discovery of admissible evidence in this case, and is  
 13 beyond the scope of discovery permitted by the Federal Rules of Civil Procedure.  
 14 The bases for these objections include, without limitation, this request’s use of the  
 15 term “RELATING TO.”

16 Subject to and without waiving the foregoing objections, Blockbuster  
 17 will conduct a reasonable and diligent search for non-privileged, non-work-product  
 18 documents sufficient to reasonably describe and support the market referred to in  
 19 this request and will produce such documents so located that have not already been  
 20 produced in this case.

21 **REQUEST FOR PRODUCTION NO. 71:**

22 All DOCUMENTS RELATING TO BLOCKBUSTER’s allegation in  
 23 its ANSWER, ¶ 89, that “throughout the relevant time period up to and including  
 24 the present, Netflix has had market power in the relevant product and geographical  
 25 markets,” including without limitation all documents that tend to support or  
 26 contradict that allegation.

27 **RESPONSE TO REQUEST FOR PRODUCTION NO. 71:**

28 Each of Blockbuster’s General Objections is incorporated here by